

**FEBRUARY 21, 2008**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**08 C 1069**

YRC LOGISTICS, INC., )  
                                  )  
                                  )  
Plaintiff,                 )  
                                  )  
                                  )  
v.                             ) No.  
                                  )  
                                  )  
MILAN EXPRESS, INC.,      )  
                                  )  
                                  )  
Defendant.                 )

**JUDGE HART  
MAGISTRATE JUDGE ASHMAN**

**COMPLAINT**

Now comes YRC Logistics, Inc. ("YRC"), by its undersigned attorneys, and complains of Defendant, Milan Express, Inc. ("Milan"), as follows:

1. This is an action under the Carmack Amendment, 49 U.S.C. § 14706, for loss or damage to property transported in interstate commerce by Milan.
2. YRC is successor to Meridian IQ ("Meridian"), a logistics company that, during 2006, did business in Bolingbrook, Illinois.
3. Milan is a motor carrier transporting freight in interstate commerce. Milan's registered agent for service of process in the State of Illinois is Anthony L. Young, 100 East Huron Street, Suite 2004, Chicago, IL 60611.
4. As a logistics provider, Meridian arranged for transportation services for Samsung Electronics ("Samsung") and is the assignee of the claim of Samsung set forth in this complaint.
5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1337(b).

6. Venue in this Court is proper because:

a. The shipment at issue originated at Bolingbrook, Illinois, within the judicial district of the United States District Court for the Northern District of

Illinois;

b. Milan was the originating and delivering carrier of the subject shipment; and

c. Milan operates as a motor carrier in and through the judicial district of the United States District Court for the Northern District of Illinois.

7. On July 21, 2006, Milan received twenty pieces of freight—boxes containing widescreen televisions—in good order and condition from Samsung at Bolingbrook, Illinois, for transportation to Sam's Distribution Center, Villa Rica, Georgia.

8. On July 21, 2006, Milan issued and signed a straight bill of lading referencing number 0008-1799040 for the property described above. A copy of the straight bill of lading is attached to this complaint as Exhibit A.

9. Milan also issued its original freight bill, 008-1799040, identifying transportation charges for transportation of twenty pieces, described as TVs, received at Bolingbrook, Illinois, on July 21, 2006, for transportation to Sam's Distribution Center, Villa Rica, Georgia. A copy of the original freight bill issued by Milan is attached to this complaint as Exhibit B.

10. On August 22, 2006, Milan tendered delivery of only four of the twenty units listed on the bill of lading (Exhibit A) and in the Milan freight bill (Exhibit B).

11. Milan failed to deliver the remaining sixteen pieces described in its bill of lading and its original freight bill.

12. The invoice value of the sixteen pieces received by Milan for transportation to Sam's Distribution Center under a single bill of lading (see Exhibit A), but not delivered by it, totals \$21,360.

13. On September 12, 2006, Meridian, on behalf of Samsung, filed a claim with Milan for damages resulting from the loss or nondelivery of the sixteen pieces which Milan received but did not deliver to Sam's Distribution Center, including freight charges of \$273.27 which Milan invoiced and which Meridian paid under Milan's freight bill number 008-1799040.

14. Milan declined that claim on October 11, 2006, and again on December 17, 2006.

15. YRC paid Samsung for the loss identified in the claim filed against Milan.

WHEREFORE, YRC Logistics, Inc., as successor to Meridian IQ, assignee of Samsung Electronics, Inc., prays that judgment be entered against Defendant, Milan Express, Inc., in the amount of \$21,633.27.

Respectfully submitted,

YRC LOGISTICS, INC.

By: s/Bruce C. Spitzer  
Bruce C. Spitzer  
Metge, Spitzer & Kreid  
30 West Monroe Street, Suite 630  
Chicago, Illinois 60603  
(312) 580-1710  
ARDC No. 2691604

MUST BE LEGALLY ENFORCED AND MAILED BY THE AGENT  
CARRIER OR CONSIGNEE ON THE DATE OF ISSUE OR THE DATE OF LIFT  
OR DELIVERY, AND IS NOT VALID UNLESS THIS FORM IS SIGNED AND MAILED  
BY THE SHIPPER OR CONSIGNEE. IT IS NOT VALID UNLESS THIS FORM IS SIGNED  
BY THE CARRIER OR CONSIGNEE AND IS MAILED OR DELIVERED TO THE ADDRESSEE.  
IT IS NOT VALID UNLESS THIS FORM IS SIGNED AND MAILED OR DELIVERED TO THE ADDRESSEE.  
IT IS NOT VALID UNLESS THIS FORM IS SIGNED AND MAILED OR DELIVERED TO THE ADDRESSEE.

WHSE LOCATION Samsung Electronics 02/21/2008

SHIPPER	07/21/2006
RELEASE NO.	649874
REF ID	22021430
CUSTOMER PART NO.	
FREIGHT CHARGE	6498639602

CONSIGNEE  
AND  
DESTINATION  
SAMS DISTRIBUTION CENTER 6499  
770-459-1700  
140 North Fleet Drive  
Villa Rica, GA 30180  
(Mail or street address of consignee - For purpose of notification only.)

1000 Veterans Pkwy Unit A  
Bolingbrook, IL 60440  
SEAL NO:

PROJ# 01799040

CARRIER NUMBER  
INITIALS & NO.

DELIVERING CARRIER

QUANTITY

ITEM NUMBER

DESCRIPTION

WEIGHT

TERMS

NOTES

**MILAN**  
General Offices  
3405P.O. Box 899 Milan, TN 38358  
Tel: (731) 586-7428

## ORIGINAL FREIGHT BILL

ORIGINAL

www.milanexpress.com

82206 Dest. Code

Freight Bill Number

009

008-1799040

REMIT TO: P.O. BOX 116074 ATLANTA, GA 30368-6074

CONSIGNEE SAMS DC 6499

0202434 140 FLEET DRIVE

SADDLE CREEK

VILLA RICA, GA 30180

CUSTOMER ORDER NO. 6499639602

SHIPPER SAMSUNG ELECTRONICS

1000 VETERANS PARKWAY UNIT A

0232062 #MERIDIAN IQ

BOLINGBROOK, IL 60440

S/N,B/L or G.B.L. 0081798867 648974

AUG 28 2006

BILL TO SAMSUNG USA

0237133 #MERIDIAN IQ

P O BOX 769

GREENWOOD, IN 46142

RECEIVED AT

FROM DATE PRO

Routed to AT

TRAILER		DATE		BILL/RATE	ORG	DEST			
H/U	HM	DESCRIPTION				WEIGHT	RATE	CHARGES	
		*****		*****		*****		*****	
		* Please pay this amount...		*****		*****		*****	
20		PIECES SP S4223 D75A 42 PDP TV UNITED STAC85		1,780		36.49		649.52	
		PHN# 770 459 1700							
		NOTIFY CHARGE							
		RATED WITH DEFICIT WEIGHT OF		220		36.49		80.28	
		18.25% SAMSUNG/USF LOGISTICS FUEL S				31.96		554.65	
		76.0% discount...							
20		PREPAID TOTALS		1,780		207.11			

This is your invoice. No other will be sent.  
 Pricing incentive / discounts may not apply  
 If freight charges are not paid within 15 days.

ORIGIN C/L	MLXP	DEST C/L	TERMS	AMOUNT DUE
			PREPAID	207.11

EXHIBIT

B

Tables